

INSTRUCTIONS FOR FILING A ZONING APPLICATION FOR ADMINISTRATIVE ADJUSTMENT

WHEN YOUR ADMINISTRATIVE ADJUSTMENT APPLICATION IS COMPLETE AND YOU ARE READY TO SUBMIT SAME, PLEASE CALL THE ZONING HEARINGS SECTION AT (305) 375-2640 AND ARRANGE AN APPOINTMENT.

REVIEW OF APPLICATION WITH STAFF

Please read carefully and comply with all instructions in order to avoid an incomplete application. Incomplete applications will not be accepted. An appointment is required for submittal of your application to review the application and plans and to verify neighbors' consents.

At the time of filing, you will discuss your application with a Zoning Plans Processor in order to avoid filing a futile or incomplete application. Such discussion also serves the purpose of determining what request must be included in your application to accomplish what you are proposing.

GENERAL INSTRUCTION

§33-36.1. Administrative Adjustment Procedures.

- A. The Director of the Department of Planning and Zoning shall, by administrative decision, approve applications for limited adjustment involving new construction or an addition to an existing residence from setback, lot coverage, and building spacing requirements for single family residential, duplex, townhouse and accessory residential uses located in RU and EU districts, and for single family residential and accessory residential uses in the AU or GU districts, provided that they do not exceed the following:
 - 1. That the setback proposed is reduced not more than 25% of that required.
 - 2. That the lot coverage and rear yard coverage is not increased by more than 10% of that allowed.
 - 3. That the spacing between structure not be less than 5 feet.
- B. The Director may adjust the setback requirements for screened enclosures, tennis courts, swimming pools and other accessory structures or uses no more than 25% of that required.
- C. In granting the adjustment, the Director must find:
 - 1. That the adjustment will be in harmony with the general appearance and character of the community.
 - 2. That the adjustment will not be injurious to the area involved or otherwise detrimental to the public welfare.
 - 3. That the proposed addition is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent residences while affording the applicant a reasonable use of the land.

LIMITATIONS AND EXCLUSIONS

Administrative Adjustments shall be limited to those areas where the properties are already developed and where at least 75% of the lots in a radius of 500' from the subject property have been developed or platted.

DECISION

Upon receipt of all necessary information, including a staff report, the Director will review the information and render a decisions either approving, modifying or denying the request. A copy of said decision will be published in a newspaper of general circulation. All decisions will become effective 15 days after the Director's decision is published in a newspaper of general circulation, unless an appeal is filed.

In granting any Administrative Adjustment, the Director may prescribe any appropriate conditions and safeguards as may be necessary to protect and further the interest of the area and abutting properties, which may include but not be limited to the following:

- 1. Landscape materials, walls, and fences as required buffering.
- 2. Modifying of the orientation of any openings.
- 3. Modifying of site arrangements.

The decision of the Director will be recorded on the official zoning maps of Miami-Dade County.

ADMINISTRATIVE ADJUSTMENT FEES

At the time of filing of the zoning application, a filing fee (see attached list) is required to cover the cost of processing the application and advertisement. If the applicant is in violation of the zoning regulations an additional fee is required. Personal checks, money orders, or cashier's checks should be made out to: **Miami-Dade County Department of Planning and Zoning**. Only checks with pre-printed information will be accepted.

CONSENT FORM INSTRUCTIONS

Written waivers of objection to the application from property owners ADJACENT/ABUTTING the subject property are **required, and must be submitted** as a part of the application. ***The consent page must reflect the applicant's reasons for requesting an Administrative Adjustment.*** Waivers must indicate that the signer knows and agrees to that which the applicant is requesting, and must contain the name and address of the Waiver's Property. ***Signatures must be received from all adjacent/abutting neighbors including owners of vacant, commercial, and industrial lots.*** The signed consent of all contiguous property owner(s) and those immediately across the street(s) from the subject site, shall be submitted by the applicant on the consent page and on the site plan submitted for consideration. Said consent shall not be required when a separating public right-of-way measures 70' or greater, nor shall consents be required when a body of water completely separates the subject parcel from another parcel.

In the absence of any signature from an abutting /adjacent neighbor, the applicant may submit proof that an attempt was made to contact the owner by mailing a letter via certified mail to the name(s) and mailing address shown in the Miami-Dade County Tax Appraiser's record at least 90 days prior to filing the Administrative Adjustment. The applicant must submit the return receipt showing the date returned, a copy of the letter sent to the neighboring property owner advising in detail what is being requested in the Administrative Adjustment, requesting response and advising that failure to respond will result in waiving objection. Applicant must state in the letter of intent full details of what they mailed and what response, if any was received. If the letter is returned as rejected, it will not count as a waiver of objection. Failure to obtain any required signature will nullify the Administrative Adjustment application. You may apply for a Zoning Hearing in that event.

TYPICAL EXAMPLE OF REQUEST

I, (name of owner) , am applying for a 13' X 20' bedroom additions to be located on the south side of my existing residence, 5856 SW 213 Street, to be setback 18.75' (25' required) from the rear (south) property line.

I, (name of owner) , am applying for a 12' X 12' storage shed spaced 5' (10' required) from my existing residence, 104 NW 97th Street to be setback 5.67' (7.5' required) from the interior side (west) property line.

I, (name of owner) , am applying for a tennis court to be located at the rear (north) side of my residence, 2129 NE 36 Street to be setback 56.25' (75' required) from the front (south) property line, setback 22.5' (30' required) from the side street (east) property line and setback 15' (20' required) from the side (west) property line.

If you have any questions, call the Zoning Hearing Section at (305) 375-2640 or (305) 271-1242.

EXHIBITS AND DATA TO BE SUBMITTED WITH THE APPLICATION

A. General instructions on Exhibits and Data:

- (1) All exhibits (data submitted in connection with application) including plans, become a permanent part of the zoning records of Miami-Dade County and will not be returned to the applicant. All required exhibits must be submitted with the application, or the application will be considered incomplete and will not be accepted.
- (2) Letter of intent (required with all applications). (see below details.)
- (3) Photographs: one front, one of each side, and one rear view of all buildings and/or structures existing on the property concerned must accompany the application.
- (4) Survey: Certified Land Survey dated within 1 year of filing reflecting all current conditions.
- (5) Fees: See fee schedule

B. Types of Plans

All plans to be submitted shall contain a title block identifying the development or project, the name, title and official seal of person preparing plan, the state of preparation, scale of drawing, and property address. Plans shall be drawn on paper of adequate size (suggest 18" X 24" or larger) so that they may be easily read and must be folded to a size so that they will fit within the file folder.

Site Plans must show the complete property, have property line labeled, show all site dimensions, indicate the sizes and uses of existing and proposed buildings, show spacing distance between building and accessory structures, show all setback distance from all buildings and accessory structures to all property lines, show individual parking spaces, access drives, existing and proposed right-of-way dedications and public or private streets measured to the centerline of the streets.

Floor Plans must clearly identify all rooms and their uses within the addition and all rooms leading to the addition and indicate the dimensions of each.

Survey prepared by a registered surveyor must be provided and must indicate all structures with proper dimensions as they exist on the property. The survey **must be less than 1 year old** to be accepted by the Zoning Hearing Section.

APPEAL OF ADMINISTRATIVE ADJUSTMENT DECISION

Pursuant to the provisions of §33-36.1, any aggrieved property owner in the area may appeal the decision of the Zoning Director to the Community Zoning Appeals Board within 15 days after the Director's decision is published in a newspaper of general circulation. If appealed, the applicant must file a new Zoning Hearing application with the Zoning Hearing Section to be heard by the Miami-Dade County Community Zoning Appeals Board for the area in which the property lies. (Appeal of Administrative Adjustment Decision).

LETTER OF INTENT

LETTER OF INTENT: ALL APPLICATIONS MUST BE ACCOMPANIED BY A LETTER OF INTENT.

Please describe in detail in the Letter of Intent whether and to what extent the requested adjustment serves a public benefit which would warrant the granting of the request and specific justification for approval of the application, nature of the requests and other pertinent information. It is important that justification for each and every adjustment be included in your letter of intent. Insufficient justification may result in the denial of your application. The applicant must affix their signature on the Letter of Intent. **This page may be used to write the Letter of Intent.**

30-
TAX FOLIO NUMBER

APPLICATION FOR ADMINSTRATIVE ADJUSTMENT
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING AND ZONING
ZONING HEARING SECTION

Sec.____ Twp.____ Rge.____

Fee_____

Date received Stamp

This application, with all required supplemental data and information must be completed in accordance with the attached "INSTRUCTIONS FOR FILING A ZONING APPLICATION FOR ADMINISTRATIVE ADJUSTMENT" and returned to the MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING with the required fees.

TYPE OR PRINT LEGIBLY IN INK ALL INFORMATION ON THE APPLICATION.

NOTE: *This application may only be applied for by the current fee owner of the property who either currently resides on the premises that is the subject of this application or owns and intends to reside there after construction is completed.*

1. Owner of Property_____ Phone:_____

2. Mailing Address_____

City _____ State _____ Zip Code _____

E-Mail Address _____ FAX _____

3. LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION:

SIZE OF PROPERTY: _____ X _____

4. Address or location of subject property_____

5. Present Zoning Classification(s)_____ Present minimum square footage for building _____

6. Is this hearing being requested as a result of a violation notice or summons? _____

Nature of the violation:_____

OWNER AFFIDAVIT/INTENT TO RESIDE

I have made every attempt to relocate/redesign the structure so as to avoid the adjustment(s) that are herein requested. I acknowledge that the Director of the Department of Planning and Zoning has the authority to approve, modify, or deny my application and that in granting approval of my application the Director may prescribe any appropriate conditions and safeguards necessary to protect and further the interest of the area and abutting properties.

I, _____ being first dully sworn, depose and say that I am the legal owner of record of the property described and which is the subject of the proposed adjustment application and that I reside on or intend to reside on the subject premises.

This affidavit is subject to penalties of law (Perjury) and to possible voiding of any Administrative Decision.

Signature

Sworn to and subscribed to before me
This _____ day of _____,_____.

Notary Public
Commission expires: _____

CONSENT FORM

I, _____, have applied for an Administrative Adjustment to the Zoning Director of Miami-Dade County Department of Planning & Zoning, to permit_____

We, the undersigned property owners, have read (or have had read to us) the information applicable to this request for an Administrative Adjustment from the Zoning Code as applied to the unincorporated area of Miami-Dade County and fully understand that by subscribing my name to this consent form, I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant to this form and to the plans accompanying this application.

Date _____

Name (Type or Print)

Address

Signature

Date _____

Name (Type or Print)

Address

Signature

Date _____

Name (Type or Print)

Address

Signature

Date _____

Name (Type or Print)

Address

Signature

Date _____

Name (Type or Print)

Address

Signature

Date _____

Name (Type or Print)

Address

Signature

Date _____

Name (Type or Print)

Address

Signature

CHECK LIST FOR THE APPLICANT

Applicant must provide the following upon submittal of application:

- 1. Complete Application
- 2. All applications must be accompanied by a letter of intent.
- 3. Letter of Intent stating the purpose for the adjustment describing the setbacks and signed by the applicant
- 4. The applicant must justify each and every adjustment in the letter of intent and the consent page.
- 5. Consent of adjacent/abutting neighbors on **both** the consent form and proposed plan.
- 6. Signatures must be received from all adjacent/abutting neighbors including owners of vacant, commercial, and industrial lots on plan and on the consent form.
- 7. Signatures are not required when the properties are separated by a public right-of-way which measures 70 feet or greater, nor shall consents be required when a body of water completely separates the parcel from another parcel.
- 8. The consent page must reflect the applicant’s reasons for requesting an Administrative Adjustment.
- 9. An accurately dimensioned floor plan and plot plan denoting all building and accessory structure setbacks to each property line must be submitted.
- 10. General location and distance to existing structure on adjacent property nearest to addition for which this adjustment is requested.
- 11. All surveys must be dated within one year of the submittal date of the application and show all structures (home, sheds, carports, fences, etc...) on the property to be accepted by the Zoning Hearing Section.
- 12. Applicant must submit a copy of the building permit for all structures including (but not limited to) sheds, fountains (decorative, ornamental), terraces, storage buildings, and the like, that fall within required setback areas.
 - o NOTE: if no building permit is available, the applicant must have an As-built letter from a licensed Architect or Engineer stating that the structure complies or will be made to comply with the appropriate Building Code.
- 13. Photographs
- 14. See attached Administrative Adjustment Fee Schedule

	<div>Subject Property</div>	
<div>Street, Avenue, and other transportation thoroughfare less than 70 feet.</div>		

Include name and addresses of all abutting owners in above proper space in relation to the subject property. If the sample sketch does not fit the existing situation, please make one that will. Exhibit A has some typical examples.

ADMINISTRATIVE ADJUSTMENT NOTICE

For all Administrative Adjustment Applications, signatures from the abutting and adjacent property owners must be obtained on the plans as well as on the consent form provided in the application.

Applicant, please draw or provide a similar box to the sketch below on the plan.

Be advised all consenting neighbors must sign the plan.

(Example only. Do not sign on this paper.)

[illegible]

EXHIBIT A

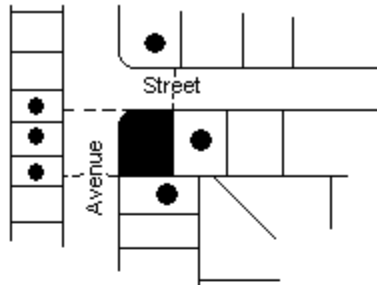
IMPORTANT INFORMATION

When filling out the signature sheet

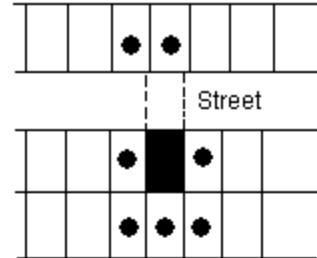
1. All requests for administration adjustment must be specifically indicated on the Consent Form. (See examples on page 2)
2. If you need more than six (6) signatures as shown below include additional lines.

These depict typical situations which may apply to your lot

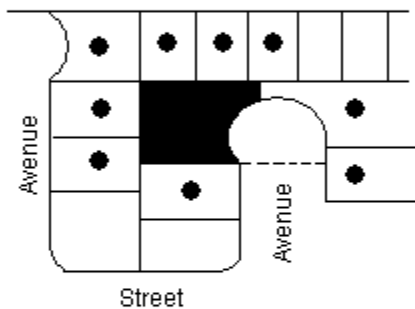
- Dots indicate signatures that are required.



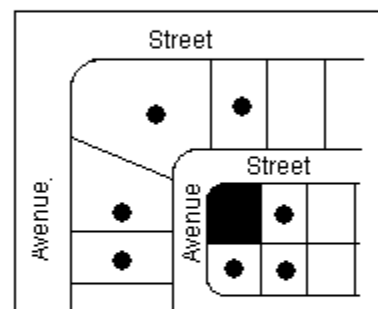
EXAMPLE 1



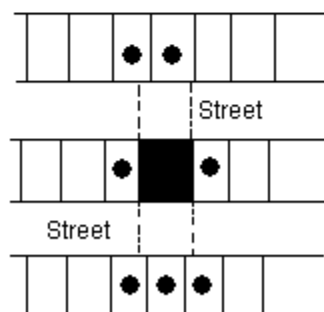
EXAMPLE 2



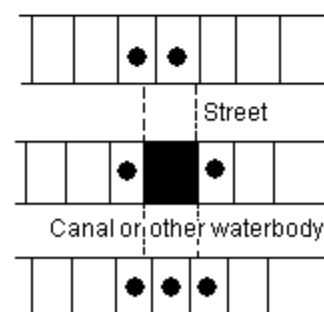
EXAMPLE 3



EXAMPLE 4



EXAMPLE 5



EXAMPLE 6

ADMINISTRATIVE ADJUSTMENT FEES*

Any Adjustment Involving:

Z204	utility shed (max. 100 sq. ft.)	\$313.50	_____
Z209	spacing between structures	\$313.50	_____
Z211	Setback adjustment for attached/detached structure:	\$598.50	_____
Z217	Any adjustment involving a tennis court, swimming pool or other recreational use:	\$741.00	_____
Z219	Any adjustment for construction of a new residence	\$963.30	_____
Z220	Other adjustments such as, but not limited to, lot area, lot frontage, lot coverage, etc...	\$741.00	_____
Z221	For any application where a VIOLATION exists, an <u>additional</u> fee of \$228.00 shall be assessed.	\$228.00	_____

*Only one fee shall be assessed; should an application involved two (2) or more adjustments of a different category, the greater fee shall apply.

CN01	6% Concurrency for new residences	_____
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SUBTOTAL _____

*8% SURCHARGE _____

TOTAL

***NOTE: AN 8% SURCHARGE WILL BE ADDED TO ALL FEES EXCEPT DERM AND CONCURRENCY AND WILL BE IN EFFECT FROM 10/1/03 THROUGH 9/30/06.**

Z202	Appeals of Administrative Adjustment Decisions by an aggrieved Property owner	\$649.59	_____
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(Note: Applicant cannot appeal this decision but may file for a Public Hearing).

PHOTOGRAPHS

FRONT

REAR

PHOTOGRAPHS



SIDE VIEWS